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AN  
A P P E A L  
FROM  
*THE PROTESTANT ASSOCIATION*  
TO  
THE PEOPLE OF GREAT BRITAIN.

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[ Price Six-pence. ]

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AN  
A P P E A L  
FROM  
THE PROTESTANT ASSOCIATION  
TO  
THE PEOPLE OF GREAT BRITAIN;  
CONCERNING  
THE PROBABLE TENDENCY OF THE LATE ACT OF  
PARLIAMENT IN FAVOUR OF THE PAPISTS.

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To design the Advancement of **P O P E R Y**, is to bring the Ruin  
of the State, and the Destruction of the Church; to sacrifice  
the Nation to a double Slavery, to prepare Chains both for their  
Bodies and their Minds. B P. SHERLOCK.

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L O N D O N:  
PRINTED BY J. W. PASHAM, BLACK-FRIARS;  
AND SOLD BY J. DODSLEY, IN PALL-MALL; C. DILLY, IN  
THE POULTRY; AND J. MATHEWS, IN THE STRAND.

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## A P P E A L, &amp;c. &amp;c.

## I N T R O D U C T I O N.

**A**LARMED at the indulgence granted to Papists, by an Act lately past in their favour, and well persuaded that the principles of Popery deserve no such encouragement from any Protestant state; we feel for ourselves, we tremble for posterity: and, having maturely deliberated on the consequences that most probably will result from this indulgence, we think it a duty we owe to religion and our country, to associate; and, by every lawful method; to procure a remedy for the evils apprehended from its operation, and to preserve the inestimable privileges, which, as Christians and members of society, we enjoy.

This Association is not formed to promote the views of party, or to embarrass the measures of government at this important crisis. It consists of

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Protestants, who will yield to none of their fellow-subjects, in loyalty to His Majesty's person, or in zealous attachment to our happy constitution.

If the doctrines held by Papists were confined to matters of opinion in religion, and did not include political tenets of the most dangerous tendency, they might expect the same connivance, which has generally been extended to other erroneous sects: they might bow down to their images, swallow the absurd doctrine of transubstantiation, and amuse themselves with dreams of Purgatory, without interruption: their ignorance and superstition would rather excite compassion, than expose them to the consequences of any Penal Statutes.

But, when Papists thunder excommunication against all who differ from them in opinion, and their religious profession itself breathes the very spirit of persecution and cruelty, against those whom they anathematize as heretics; who, if Princes, are to be deposed and murdered; if subjects, to be massacred: when they avow such principles as these, what security can be given to any state for their peaceable behaviour? and what claim can they have to toleration under any Protestant government\*?

\* See Archdeacon Blackburne's Considerations on the present State of Popery.

It is not our desire to persecute ; but, as Protestants, we are concerned to secure ourselves and posterity from Popish persecution. When we call to mind the Protestant blood that has been shed by Papists, both at home and in foreign countries, we cannot but be excited to use every legal expedient, to prevent the return of such a national calamity.

Should the Papists, in any future period, be possessed of power, we have reason to apprehend that the same principles would be productive of the same effects. These principles they have never publicly disavowed ; and, as Papists, cannot, with consistency, disown : therefore, as they strike at our liberties and lives, to tolerate persons professing them, is to lay the axe to the root of our dearest privileges and most sacred rights.

Impressed with these considerations, we would now call the attention of our fellow-subjects to the following observations on *the late Act of Parliament* : and; if the matter contained in them be true ; if our wisest and best laws against Popery be virtually repealed, and our constitution actually endangered ; what measures should we adopt, with what spirit and unanimity should we act, to preserve our civil and religious liberties from the incroachments of Popery, and from its inseparable concomitant, ARBITRARY POWER ?

## SECTION I.

*Thoughts on Toleration, and how far it is consistent with our civil Constitution, and the preservation of the Protestant Religion, to extend it to the Papists.*

**I**N order to gain a clearer idea of *Toleration*, let us inquire into the true nature of its opposite, which is *Persecution*.

Persecution consists in hurting a man in any of his natural or civil rights, without any crime committed on his part; but merely on account of the principles he holds, or the worship he performs; when those principles and that worship have nothing in them incompatible with the scriptures, the civil interests of the community, and the peace of the public; and though he be able and ready to give all legal security to the government for his peaceable behaviour.

Toleration is the very opposite of persecution, and, therefore, consists in the contrary spirit and conduct; that is, in allowing every man to profess his own faith, if not evidently repugnant to the holy scriptures, without the least injury done him in his civil rights, so long as he shall give proper security for his being a peaceable member of society.

Persecution, on the account of religion, is equally wicked and absurd, because it defaces its

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own end ; for, instead of reconciling the mind to any set of religious principles, it must excite the utmost horror and disgust ; it may make hypocrites—it cannot make true converts.

The horrible effects of Persecution by the Papists in foreign countries, but more especially in our own, ought to touch the tenderest feelings of every true Protestant. No language is sufficient to describe the injustice and cruelty of such an infernal spirit. To illustrate the truth of these observations, let us, for a moment, turn our eyes to foreign countries ; and what scenes of cruelty have been acted under the auspices of Popery ! how many have been tortured on the rack, or cruelly murdered in the cells of the inquisition ! how many have been dragged forth to disgrace, what is called, in those unhappy countries, an *auto da fé*\*, but is rather an act of triumph over faith, humanity, and common sense. Is it not enough to condemn the innocent to flames, kindled by superstition, without leading them forth in mock processions, and cloathing them with *san benitos*, or coats of devils, to expose them to the insults of a barbarous multitude ?—But why do we speak of cruelty to individuals only ? Let us call to remembrance the massacre at Paris, on the 24th of August, 1572. There Popery appeared in its true colours, “ drunken with the

\* *Act of Faith.*

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“ bloo

“ blood of the saints, and with the blood of the martyrs of Jesus.” Whilst Popery has existence upon earth, let it be remembered, though to the disgrace of humanity; let it be remembered with horror, that on St. Bartholomew’s-day, thousands and tens of thousands of Protestants were murdered in France in cold blood; suddenly massacred in their beds and houses, by the cruelty and treachery of their Popish fellow-subjects, at the very time they were caressed and courted; and that this perfidious conduct met with the approbation of his infallible holiness, pope Gregory XIII<sup>th</sup>, of infamous memory, who went in solemn procession to St. Lewis’s church, and insulted the goodness of the supreme Being, by returning thanks for the blood that had been shed; and, to preserve the remembrance of a transaction so meritorious, it was described at Rome, in a magnificent picture, intitled the **TRIUMPH of the CHURCH**. Such is the faith that Papists keep with heretics; such the triumphs of the church of Rome\*.

But to come nearer home: in England, where no inquisition was suffered, Popery hath recorded her name in characters of blood. During the reign of queen Mary, how many of the most learned and pious men were brought to witness a good confession at the stake! The cruelty of Po-

\* See Thuanus’s History of France.

fish persecutors made no distinction of age or sex, learned or unlearned, noble or ignoble: all fell alike the victims of their undiscerning bigotry. Nay, horrible to mention! pregnant women were burnt alive. And in the island of Guernsey, a scene of almost incredible barbarity was acted:

“ A mother and her two daughters being com-  
 “ mitted to the flames, one of them being mar-  
 “ ried, and in the last month of her pregnancy,  
 “ was, by the violence of the pain, taken in la-  
 “ bour, and brought forth an infant; which a  
 “ humane bye-stander rescued from the fire:  
 “ but after some consultation, the magistrate,  
 “ who superintended the execution, ordered the  
 “ innocent to be thrown back into the flames;  
 “ where it perished with the mother \*;” con-  
 ccurring in opinion with Bellarmine, a cardinal of  
 the first note, who says, “ that if it were possible  
 “ to root out heretics, without doubt they are to  
 “ be destroyed *root and branch* †.”

Smithfield, Oxford, Cambridge, most of the public market-crosses, and many other places throughout the kingdom, have a voice crying aloud to British Protestants, BEWARE OF POPERY; and bear an unanimous and irrefragable testimony, that Popery and Toleration never can agree ‡. O Britons! let not the blood of the

\* See Smollet's History of England, vol. vi.

† See Bellarm. de laic.      ‡ See Fox's Martyrology.

martyrs be forgotten, or their sufferings effaced from our memory, to the latest posterity.

From England, let us pass to her sister kingdom, Ireland; and behold more recent displays of Popish cruelty! Is the memorable and lamentable æra of 1641 so soon forgotten? Are there none living, in these days, whose ancestors suffered by that unparalleled massacre, when the Papists endeavoured to extirpate the Protestants with fire, sword, and famine? Though the plot was discovered, time enough to prevent the intended massacre taking place in Dublin; yet, in the province of Ulster, and other parts of the kingdom, near 100,000 Protestants were butchered; with such circumstances of premeditated cruelty, as none but bigotted Papists could have perpetrated. Such spectacles of misery and distress must have softened any other hearts however savage or uncultivated. But Papists not only insulted them in their sufferings, but triumphed in the hope, that the victims of their cruelty would be damned to all eternity\*. The mind recoils from such scenes of cruelty with horror; and, upon a review of all these melancholy facts, by what arguments from reason, justice, humanity, or piety, can the Toleration of such a religious

\* See the History of England, and Sir John Parson's History of this horrible massacre.

profession be defended in any free and Protestant state?

It is also incompatible with the preservation of our civil constitution, to tolerate Popery; which not only enslaves the mind, but would bind nobles and people with the iron chains of despotism. It is a system convenient for tyrants: we, at least of this country, have ever found it looking with a malignant aspect on freedom, and active in the retinue of Arbitrary Power.

Popery abhors civil liberty, because that is friendly to liberty of conscience: and it is a maxim of all Papists, from which they never can, consistently, depart, "that disobedience to the laws of the pope and church, not only excludes men from salvation; but is likewise a forfeiture of all civil rights and liberties whatsoever\*".

Again,

\* See No. 5, of Sir Richard Steel's Appendix to the Romish Ecclesiastical History, wherein are the following quotations:

" Heretics may lawfully be spoiled of their goods, though  
" it be better to take them by authority."

" None are bound to restore what they have been intrusted  
" with by heretics, or to perform any contract made with  
" them."

By pope Gregory the IXth's constitutions, " A man, by  
" heresy, is deprived of all jurisdiction, whether natural,  
" civil, or politic."

" Heretics may not be termed either children or kindred;  
" but, according to the old law, thy hand shall be upon them  
" to spill their blood."

As

Again, do not the political principles of the Papists oblige them to deny the supremacy of the king of England? Have they not, moreover, naturally some obligations of interest and attachment towards a *foreign claimant*. Did not James II. lose his crown for adhering to Popery?—Is Popery a crime in the eyes of Papists? Can they then ever look on his lineal successor, as only a

As a convincing proof of this, we give the following anecdote: “ *John Diazius*, a *Spaniard*, became a Protestant from reading the books of *Luther*. His brother *Alphonsus*, one of the pope’s lawyers, hearing that his brother was turned Protestant, came with all speed into *Germany*, bringing a notorious cut-throat with him, resolving either to bring him back to Popery, or to destroy him.

When *Alphonsus* came to *Ratisbon*, his brother *John* was gone to *Newberg*, about the printing of *Bucer*’s books, to which place *Alphonsus* followed him, and there they maintained many disputations upon religious matters; but *Alphonsus* finding his brother so stedfast in the belief of the truths of the gospel, that neither the pope’s agent, by his promises or threats could terrify him, nor he by his persuasions and pretensions of brotherly love, could prevail upon him to return to Popery; he feigned to take a most friendly and affectionate leave of him, and departed; but soon he returned with his ruffianly murderer, and by the way, they bought an hatchet of a carpenter. *Alphonsus* sent the ruffian in first, disguised, with letters to his brother, himself following behind; and while *John Diazius* was reading the letters, this bloody murderer cleft his head with the hatchet, and taking horse, they both rode away.”

*Biograph. Evangel. life of Diazius.* A work now publishing by the Rev. Mr. Middleton.

*pretended*

*pretended* prince?—So that, whatsoever appearances they may assume, the ties of gratitude and affection bind their allegiance to the successor of that Prince, who lost his crown in support of their cause; and lead them to anathematize the Revolution, and reject the Act of Settlement, as an act of injustice\*.

\* “ It is not to be denied but that the pope, upon just cause, hath power to absolve, both himself and all others, from the religious and legal obligation of an oath.”

“ After a prince is by name excommunicated by the pope, his subjects are freed from their allegiance; his country becomes the right of catholics, who, beyond all contradiction, exterminating the heretic inhabitants, may possess it as their own.”

“ The power of depriving kings of their crown, and emperors of their dignities, for the good of the church and souls, was always peculiar to the pope;

“ Who hath no less authority, as Christ’s vicar, over Christians, than the shepherd over his sheep.”

“ It is not lawful for Christians to tolerate any king, who draweth his subjects into heresy.”

“ But subjects ought to endeavour to set up another in his place.”

“ They ought to expel him his kingdom, as the enemy of Christ.”

“ This is the undoubted judgment of the most learned, and agreeable to apostolical truth.”

“ We, by our apostolical authority, do absolve all subjects from their oaths of fealty, which they have sworn to princes excommunicated.

“ We excommunicate all heretic princes, and absolve their subjects from their oaths and duties of allegiance.

“ We

That these were formerly the views of Papists, is clearly evinced by their conduct in the rebellions of the year 1715 and 1745; that they are not now, we must trust to the words and assurances of those men, whom no oaths can bind \*.

With

*"We absolve all subjects of England from the oaths they have taken to Elizabeth their queen."*

See Richard Steel's Appendix.

\* As Dr. Tucker, the Dean of Gloucester, has taken upon him, in his late publication, entitled, "Thoughts on the Present State of Affairs," to assert, that the Papists have been good subjects for 100 Years past, and that they had no hand in the rebellions of 1715 and 1745; we would beg leave to remind our readers, that 100 years have not yet elapsed since the glorious Revolution; and in how many plots they have been engaged against the king, the government, and the Protestant religion since that happy event, none can be ignorant, but those who are unacquainted with the history of Great Britain. As to their conduct in 1715, the following preamble of an A&C of Parliament, made immediately after the suppression of that unnatural rebellion, will be the fullest confutation of the Rev. Dean's *panegyric* on the Papists, and the best evidence of the opinion our ancestors entertained of the principles of Popery, and of the *loyalty* of the Papists on that occasion.—  
 "Whereas the Papists within this kingdom, notwithstanding the tender regard that hath been shewn them for many years last past, by omitting to put in execution the many Penal laws, which (on occasion of the many just provocations they have given, and horrid designs they have framed for the destruction of this kingdom, and the extirpation of the Protestant religion) have been made against them; and notwithstanding they have enjoyed, and do still enjoy, the protection and

"benefit

With respect to the religious tenets of popery, they are an offence to the very being and moral perfections of God, irreconcileable to reason, and the

“ benefit of the government, as well as the rest of his ma-  
 “ jesty’s subjects, have all, or the greatest part of them, been  
 “ concerned in stirring up and supporting the *late unnatural*  
 “ *rebellion, for the detroning and murdering his most sacred*  
 “ *majesty; for destroying our present happy establishment; for*  
 “ *settling a Popish pretender upon the throne of this kingdom; for*  
 “ *the destruction of the Protestant religion, and the cruel mur-*  
 “ *dering and massacring its professors, by which they have*  
 “ *brought a vast expence upon this nation: And whereas it*  
 “ *manifestly appears by their behaviour, that they take upon*  
 “ *themselves to be obliged by the principles they profess, to be ene-*  
 “ *mies to His Majesty, and to the present happy establishment, and*  
 “ *watch for all opportunities of fomenting and stirring up new*  
 “ *rebellions and disturbances within the kingdom, and of INVIT-*  
 “ *ING FOREIGNERS TO INVADE IT: And for as much as*  
 “ *it is highly reasonable, that they should contribute a large*  
 “ *share to all such extraordinary expences, as are or shall be*  
 “ *brought upon this kingdom by their *treachery and instiga-**  
 “ **tion; and to the end, that by paying largely to the late**  
 “ **great expences by them brought upon this nation, they may**  
 “ **be deterred, if possible, from the like offences for the fu-**  
 “ **ture, Geo. I. stat. 2. c. 25.”**

It is also expressly mentioned in our statutes, that the design “ of the wicked, horrid, and unnatural rebellion in  
 “ 1745, was to depose and murder His most sacred Majesty, to  
 “ set up a POPISH PRETENDER, bred up and instruct-  
 “ ed in Romish superstition and arbitrary principles on the  
 “ throne, to the utter destruction of the Protestant religion, and  
 “ the laws and liberties of this free constitution:” from which

it

the most horrid corruption of divine revelation ; and ought not to be tolerated, because they impel the Papists, by a most intolerant spirit, to extirpate Protestants, under the name of *excommunicated heretics*,—because it is one of their maxims, “ that no faith is to be kept with heretics,” by which the most sacred ties of society are dissolved—because they can have dispensations for perjury \*, and paradise for murder and treason ; and,

it evidently appears, that *so late* as the year 1745, Popery and Arbitrary Power were, in the judgment of our forefathers, inseparably connected ; and whether any, *but Papists*, would have attempted to depose and murder king George the II<sup>d</sup>, of glorious memory ; to set up a Popish pretender, and utterly to destroy the Protestant religion, and the laws and liberties of this free constitution, (with the greatest deference to the *bold assertion* of the Rev. Dean, in favour of the loyalty of Papists,) we appeal to the Protestants of Great Britain to determine.

\* See the form of the oaths prescribed by the late and former Acts of Parliament, which suppose that Papists, under the mask of religion, are capable of the grossest perjuries and most horrid treasons ; and also an extract in Sir Richard Steel’s Appendix, from the oration of pope Sixtus the V<sup>th</sup>, uttered in a consistory at Rome, Sept. 2, 1759, wherein he commends, as wonderful and meritorious, the execrable murder committed by Jaques Clement, a Jacobine friar, on Henry III. king of France, and compares the conduct of the monk in perpetrating that execrable murder, with the conduct of Eleazar, and with that of Judith, in slaying Holofernes ; and prefers the deed of the monk to both.

as pardons are to be bought on easy terms, the vilest crimes are committed without remorse.

Upon the principles of common sense, what can any man think of such contemptible doctrines, as the infallibility of a poor weak creature, and his supremacy over all the empires and kingdoms upon earth; yea, over all the worlds of heaven, earth, and hell?—What can any rational man think of a bit of bread being turned into a human body and soul, and into the very nature of God, or of worshipping the supreme and omnipotent Being, under images of wood or stone, silver or gold?—What can any virtuous man think of this supreme and infallible pope selling pardons for all kinds of sins, and indulgences for all manner of wickedness, for a thousand years to come \*?—And, lastly, what can any serious man think of the damnable heresy of

for-

\* From the following extracts of the fees of the Roman chancery, taken from a book published by the pope's authority, it appears that the prices of absolution are as follow:

For lying with a woman in the church, and there committing other enormities	l. s. d.
	0 9 0
For gross and wilful perjury	— 0 9 0
For a layman for murdering a layman	— 0 7 6
But for laying violent hands on a priest, tho' without shedding blood	— 0 10 6
For defiling a virgin	— 0 9 0
For a priest or clergyman keeping a concubine	— 0 10 6
	For

forbidding to marry, setting up the vain traditions of their church above the authority of the word of God ; and of the Popish arrogance, in refusing the cup to the laity, and prohibiting millions of common people from reading the scriptures, though they have souls as infinite in value and duration, as the proudest prelates or highest monarchs upon earth ?

To tolerate such opinions as these, is to insult the natural and moral perfections of that God, who gave us reason and immortality, and to encourage the practice of idolatry by law, in a Christian country. To tolerate Popery, is to be instrumental to the perdition of immortal souls now existing, and of millions of spirits, that at present have no existence, but in the prescience of God ; and is the direct way to provoke the vengeance of an holy and jealous God, to bring down destruction on our fleets and armies, and ruin on ourselves and our posterity.

For committing incest	—	0	7	6
But, for forging the Pope's hand-writing		1	7	7

See No. 2, of the Appendix to the aforesaid history of Sir Richard Steel.

## SECTION

## SECTION II.

*A View of the principal Laws that were in Force against the Papists before they were altered by the late Act of Parliament; and of the Spirit in which they were executed.*

**T**O know how far a mitigation of the Penal laws against the Papists was expedient or necessary, a view of the laws should be taken, and likewise of the mild spirit, in which they were enforced.

To enter into a minute detail of the numerous Acts in our books against Popery, would be tedious, and exceed the limits of our present publication: it will be sufficient, therefore, to select a few of the several statutes on this subject: amongst which, the principal laws against JESUITS AND POPISH PRIESTS—HEARING AND SAYING MASS—POPISH BOOKS AND RELICS—PAPISTS KEEPING SCHOOLS—AND PURCHASING AND INHERITING ESTATES, demand our more immediate attention.

By the 27th of Eliz. c. 2, no jesuit or Popish priest shall come into, or be in the realm, on pain of high treason, unless he conform; and any person knowingly receiving, or relieving such, is guilty of felony, without benefit of clergy.

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By divers subsequent statutes of Eliz. and Jam. several other penalties are inflicted; and it is particularly enacted by the statute of 3d Jam. c. 4. that if any person shall put in practice to reconcile any subjects to Popery, or, if any person shall be willingly so reconciled, he, his aiders, and maintainers, shall be guilty of high treason.

By the 11th and 12th of Wm. IIId. c. 4. any person apprehending any Popish bishop, priest, or jesuit, and prosecuting him, till he was convicted of exercising any part of his ecclesiastical function, *was* (for this is now repealed) entitled to the reward of 100l. and any Popish bishop, priest, or jesuit, so exercising his function, (except in foreign ministers houses) *was* adjudged to perpetual imprisonment.

By the 23d Eliz. c. 1. and several subsequent statutes, persons hearing or saying mass were liable to forfeitures and imprisonment; and by the above statute of Wm. IIId. any Popish bishop, priest, or jesuit, that should say mass, (except in foreign ministers houses) *was* adjudged to perpetual imprisonment.

By several statutes of Edward VIth. Eliz. and Jam. 1st. persons having in custody, bringing from beyond the seas, printing, selling, buying, or receiving any Popish books or relics, are made liable to pecuniary penalties; and, in some cases, to imprisonment, and the pain of incurring a

premu-

præmunire; and the books and relics are to be burned, and defaced; and magistrates are thereby empowered to search for the same.

There are many statutes in our books against sending children to be educated in Popish principles; and by the statutes of 13th and 14th Car. IIId. c. 4. and 17th Car. IIId. c. 2. all persons (and Papists amongst others) are prohibited from teaching school, upon pain of fine and imprisonment; unless they be licensed by the ordinary, and conform to the liturgy of the established church \*; and by the 11th and 12th Wm. IIId. any Papist keeping school, or taking upon him the government or boarding of youth, *was* adjudged to perpetual imprisonment.

The only statute that incapacitated Papists from purchasing or inheriting estates, was the above-mentioned Act of Wm. IIId. by which they were disabled to purchase, and rendered incapable of inheriting, or taking any lands by descent, devise, or limitation; but the same were given to the next of kin, being Protestants.

Thus stood the principal laws against Popery before the late Act of Parliament was passed. Laws that, from time to time, were rendered necessary, by the turbulent conduct of the Papists:

\* By an Act passed in the last session, Protestant Dissenters taking the oath therein mentioned, are qualified to teach and keep schools.

every additional severity being occasioned by the discovery of fresh insurrections against government ; which will appear very evident to those, who consult the history of the time wherein these statutes were enacted \*.

Perhaps it may appear strange, in this day, that the Papists were, by so many statutes, made subject to the penalties of high treason : but this difficulty vanishes, when we consider that our ancestors knew, by dear bought experience, that the principles of Papists necessarily lead to treasonable practices against the state ; since they own implicit obedience to a foreign head, who claims a power of absolving subjects from their allegiance, and deposing and excommunicating princes for heresy.

To this source we must ascribe the many nefarious attempts that they have made on our excellent Constitution, and on the persons of our Sovereigns since the Reformation : and from this source we must expect ruin to ourselves and posterity, whenever those, who have always had the will, shall have the power, to destroy us.

Should the laws, as they thus stood against the Papists, appear too severe ; let it be remembered, as a judicious writer observes, “ that they

\* See Bishop Gibson's Fifth Pastoral Letter, entitled, “ The Danger and Mischiefs of Popery.” Sec. 6 and 7.

" who made these laws, had an opportunity of  
 " contemplating the naked features of Popery,  
 " stripped of all disguise." They saw the bitter  
 enmity it bore to the civil and religious rights  
 of mankind ; and were, consequently, better  
 judges of what was necessary for the future secu-  
 rity of the British constitution, than we of this  
 generation, who (thanks to a kind Providence)  
 have had no such experience \*.

Had the promoters of the late repealing sta-  
 tute looked back, and placed themselves in the  
 situation of our ancestors ; had they taken  
 a retrospective view of massacres in cold blood,  
 of flames scarce extinguished, of plots and re-  
 bellions with difficulty discovered and suppressed ;  
 they would have been alarmed at the malignant  
 aspect of Popery, and *such an Act* would never  
 have passed so unanimously through the British  
 senate.

Having thus briefly examined the laws as they  
 formerly stood, let us now consider the spirit in  
 which they were executed ; a spirit of lenity and  
 moderation. They were seldom enforced, but  
 when the rebellious conduct of the Papists ren-  
 dered it absolutely necessary, and brought down  
 the vengeance of Penal statutes on their heads :

\* See Archdeacon Blackburn on The present State of Po-  
 pery, page 26.

and even then, they were inflicted by the hand of discriminating justice; not confounding the innocent with the guilty.

Notwithstanding all that we are told of the severity of these statutes, they are mild, when compared with the bloody edicts now in full force against Protestants in Popish countries. Whilst Papists in England are claiming Toleration, Protestants in France are exposed to persecution, by the repeal of the edict of Nantz: and in other Popish countries, Protestants are, by law, condemned to death.—Astonishing contrast! that needs only to be considered, to evidence the impropriety of the late repeal.

The wisdom and policy of the laws against Popery have been proved by the experience of above two hundred years; and it is to them we are at this day indebted, under divine Providence, for the preservation of our rights and liberties, and for the settlement of the crown in the illustrious house of Hanover.

If we may believe the very advocates for tolerating Popery, by these laws Papists were discouraged, their numbers in England considerably decreased, and Papists themselves constrained to become good subjects: and ought laws, whose wholesome severity hath produced such salutary effects, to have been essentially changed, or virtually repealed?

Besides,

Besides, was there any application from the Papists, complaining to government of the rigorous execution of those laws, that occasioned the late alteration to be made therein? It is not pretended that there was: the Papists would not venture such an assertion; nor could it have gained credit, if they had. How far the laws themselves are materially affected by the late Act of Parliament, will appear from a perusal of the next section.

### SECTION III.

*Considerations on the late Act of Parliament; and the Alterations made thereby in the Penal laws against the Papists.*

THE Act of William III<sup>d</sup>. which was the object of the late repeal, was, with great propriety, entitled, "An Act for the further preventing of the growth of Popery." The preamble recites, "That there had been of late a much greater resort into this kingdom than formerly of Popish bishops, priests, and jesuits, and that they did very openly, and in an insolent manner, affront the laws, and daily endeavour to pervert His Majesty's natural born subjects; which had been occasioned by neglect of the due execution of the laws already in force." For preventing

the further growth of Popery, and of such treasonable and execrable designs against His Majesty's person and government, and the established religion, as had lately, as well as frequently theretofore, been brought to light, and happily defeated, by the wonderful Providence of God; it was thereby enacted, amongst other things, "That any persons, who should apprehend any Popish bishop, priest, or jesuit, and prosecute them, till they were convicted of saying mass, or exercising any part of their office or function, should be entitled to 100l. reward; and any such bishops, priests, or jesuits, so convicted, or any other Papists that should keep school, or take upon them the education or government of youth, were adjudged to perpetual imprisonment: and Papists, not taking the oaths of allegiance and supremacy, within the time therein limited, were disabled, and made incapable of inheriting, or purchasing lands; which were given to the next of kin, being a Protestant."

Whatever severity may appear in the penalties, it is evident, from the very words of the preamble, that they were warranted by the insolent conduct and treasonable practices of the Papists. And ought such wholesome provisions to have been repealed; unless there be sufficient reason to apprehend that Popish bishops, priests, and jesuits will not now resort hither, in as great numbers

bers as they did at that time, to repeat their pernicious practices ; especially jesuits, who are now, what they were not *then*, the *outcasts even of Popish countries* ?

There are but few instances, wherein this *Act* hath been enforced : the heavy penalty of perpetual imprisonment intimidated the jesuits of that day, who crossed the seas in shoals, and rendered the execution of it almost unnecessary. The clauses relating to estates, were a stab to the vitals of Popery ; which, being deprived of the means of acquiring landed influence, was discouraged, and gradually declined.

But, by the preamble of an *Act* made in the 18th Geo. IIId. entitled, “ *An Act for relieving His Majesty’s subjects, professing the Popish religion, from certain penalties and disabilities imposed on them by the above-mentioned Act of Wm. IIId.* ” we are told, That it is expedient to repeal the very provisions, which had been productive of such happy effects.

And, accordingly, it is thereby enacted, “ *That so much of the said Act as relates to the apprehending, taking, or prosecuting, of Popish bishops, priests, or jesuits ; and also, so much of the said Act, as subjects Popish bishops, priests, or jesuits, and Papists, or persons professing the Popish religion, and keeping school, or taking upon themselves the education or government of youth, within*

within these realms of England, or the dominions thereto belonging, to perpetual imprisonment; and also, so much of the said Act as disablers persons educated in the Popish religion, or professing the same, under the circumstances therein mentioned, from inheriting or purchasing any manors, lands, tenements, or hereditaments; and gives to the next of kin, being a Protestant, a right to have and enjoy such manors, lands, tenements, hereditaments, shall be, and the same, and every clause, matter, and thing therein before-mentioned, is, and are, thereby repealed, for the relief of all Papists who shall, within the time therein-mentioned, take the following oath:”

“ I A. B. do sincerely promise and swear, That  
 “ I will be faithful and bear true allegiance to  
 “ His Majesty king George the Third, and him  
 “ will defend, to the utmost of my power, against  
 “ all conspiracies and attempts whatever that shall  
 “ be made against his person, crown, or dignity;  
 “ and I will do my utmost endeavour to disclose  
 “ and make known to His Majesty, his heirs, and  
 “ successors, all treasons and traiterous conspira-  
 “ cies which may be formed against him or them;  
 “ and I do faithfully promise to maintain, sup-  
 “ port, and defend, to the utmost of my power,  
 “ the succession of the crown in His Majesty’s fa-  
 “ mily, against any person or persons whatsoever;  
 “ hereby

" hereby utterly renouncing and abjuring any  
 " obedience or allegiance unto the person taking  
 " upon himself the stile and title of prince of  
 " Wales, in the lifetime of his father, and who,  
 " since his death, is said to have assumed the stile  
 " and title of king of Great Britain, by the name  
 " of Charles the Third, *and to any other person*  
 " claiming or pretending a right to the crown of  
 " these realms ; and I do swear, that I do reject  
 " and detest, as an unchristian and impious posi-  
 " tion, That it is lawful to murder or destroy any  
 " person or persons whatsoever, for or under pre-  
 " tence of their being heretics ; and also that un-  
 " christian and impious principle, that no faith is  
 " to be kept with heretics : I further declare,  
 " that it is no article of my faith, and that I do  
 " renounce, reject, and abjure, the opinion, that  
 " princes excommunicated by the pope and coun-  
 " cil, or by any authority of the see of Rome, or  
 " by any authority whatsoever, may be deposed  
 " or murdered by their subjects, or any person  
 " whatsoever : and I do declare, that I do not be-  
 " lieve that the pope of Rome, or any other fo-  
 " reign prince, prelate, state, or potentate, hath,  
 " or ought to have, any *temporal* or *civil juris-*  
 " *diction*, power, superiority, or pre-eminence, di-  
 " rectly or indirectly, within this realm. And I do  
 " solemnly, in the presence of God, profess, tes-  
 " tify, and declare, that I do make this declara-  
 " tion, and every part thereof, in the plain and or-

“ dinary sense of the words of this oath ; without  
 “ any evasion, equivocation, or mental reserva-  
 “ tion whatever ; and without any dispensation al-  
 “ ready granted by the pope, or any authority of  
 “ the see of Rome, or any person whatever ; and  
 “ without thinking that I am or can be acquitted  
 “ before God or man, or absolved of this decla-  
 “ ration, or any part thereof, although the pope,  
 “ or any other persons or authority whatsoever,  
 “ shall dispense with or annul the same, or de-  
 “ clare that it was null or void.”

It is evident, therefore, that, by the *Act of Geo. IIId.* the most material parts of the *statute of Wm. IIId.* expressly enacted *for the further preventing the growth of Popery*, are actually repealed: and though it be said, that these are only detached parts of a single *Act of Parliament*; yet it will appear, from the following considerations, that the laws, which, we are told, now remain in force against the Papists, are become a body without a soul; there is no spirit remaining to enforce them, nor any encouragement to put them into execution.

By the repeal of the last and most spirited *Act against Popish bishops, priests, jesuits, and school-masters*, are not all former *statutes virtually repealed or invalidated?* To rake into the embers of those antient laws, would appear malicious, in the judgment of our modern law-givers: nor could

could it be expected that such prosecutions would be countenanced, in any court of justice; when the very foundation, on which they formerly stood, is removed by the Act of Geo. IIId.

What wise ends can it answer, to enforce the antique statutes for destroying and defacing Popish books and relics, (which may be deemed innocent in their operation, when compared with the subtlety of those, by whom they were promulgated and dispersed) since Popish bishops, priests, jesuits, and school-masters, may now teach and propagate their erroneous principles, in their own persons, to the seduction of the rising generation?

To repeal an Act to prevent the resort of Popish bishops, priests, and jesuits to these realms, is a strong encouragement, not to say, invitation, to them to come over in abundance. If it be objected, that there are two statutes still in force, one of Eliz. and another of Jam. declaring such offenders to be guilty of high-treason; it is obvious to answer, that the subsequent law, which condemned these offenders to perpetual imprisonment, and the last Act which has revoked that sentence, on condition of taking the oaths, have virtually repealed the two preceding statutes. For what the law declares not to be deserving of banishment, cannot be judged worthy of death. Our legislature, consequently

sequently, in effect, has declared, that, as there is now no law in force against propagating Popish errors, every one who engages in the pernicious office, may proceed in it without danger or fear of molestation.

By the last section of this repealing statute, it is provided, " That nothing in that Act should be construed to extend to any Popish bishop, priest, jesuit, or schoolmaster, who shall not have taken, or subscribed the oath, before a prosecution shall have been commenced against him :" which plainly implies, that it was expected by the Legislature, that Popish bishops, priests, jesuits, and schoolmasters, would now resort hither ; and is a tacit licence for them to exercise the duties of their function, upon condition of taking the oath therein prescribed.

If it were not meant, that all who qualified, by taking the oath required to be taken by the late statute, should be thereby screened from the penalties of all former Acts ; why was that provision inserted, to make a favourable distinction between those who have taken the oath before they shall have been prosecuted, and those who have not ? whilst those who refused or neglected to conform, were liable to a penalty of perpetual imprisonment ; others, who submitted to the terms of the Legislature, would be in a much

much worse situation. The Popish bishops, jesuits, and clergy would think themselves little obliged to our senators, to save them from a prison, whilst they left them exposed to a gibbet; and, after all their conformity, if the old laws be not understood to be virtually repealed, be liable to an arraignment for high treason, and subject to an ignominious death.

If the laws against priests and jesuits be virtually repealed, it necessarily follows that the laws against Popish chapels, and hearing and saying mass, are in the same situation. It would be in vain to relieve the former from the penalties of coming to, or being found within, these realms, if by shutting up and prohibiting the latter, they are prevented from exercising their ecclesiastical function; as they are too assiduous to be idle in *such a cause*, and have no business in this country, but to pervert the ignorant and unwaried.

The only statutes, in which the Papists are, *by name*, prohibited from keeping schools, is now repealed. They were indeed, amongst other persons, prohibited from keeping schools, by the Acts of 13th and 14th Car. IIId. c. 4. and 17th Car. IIId. c. 2. unless they were relicensed by the ordinary, and subscribed a declaration of conformity to the established church: but it is well known how little these statutes have been regarded

garded of late years; and, as Papists are now no longer awed by the penalty of that clause in the statute of Wm. IIId. many Popish schools and seminaries of learning will, doubtless, be added to those already opened, throughout the kingdom.

The statute of Wm. IIId. was enacted to prohibit their teaching, because it had been found, by experience, that the former laws were insufficient for that purpose; but that is one of the detached parts of the laws against Popery, which is totally altered by the Act lately passed for their relief. It is in vain to enforce the obsolete laws to prevent the sending of our children to foreign seminaries, to be instructed in "*the rankest principles of sedition and rebellion*"; when they may now be taught at home, without the risque of crossing the seas, and at the easiest expence to their parents\*.

Nor can we blame the Papists, for construing all former statutes on the subject as virtually repealed, when the *only* clause, in which they are *expressly named*, is no longer in force. They have reason to think themselves licensed to teach, as well as preach; and we have too many recent instances to prove by their conduct, that these are their sentiments. How fatal the consequences to posterity!

\* See, Bishop Gibson's 5th Pastoral Letter, page 26.

Our ancestors well knew that landed property and parliamentary influence were inseparable; and, therefore, to form a bulwark for the defence of our constitution, wisely concluded, that it was their indispensable duty, not only by the Test Act to exclude Papists from sitting in the house; but to prevent them from interfering in the choice of representatives, by depriving them of the means of influence amongst the electors.

For these important ends, by the abovementioned Act of Wm. IIId. Papists were disabled to purchase, and incapacitated to inherit, any landed property; and their estates were given to the next of kin, being Protestants. By these means Protestantism was encouraged, the wings of Popish arrogance were clipped, and they, being no longer in a situation to acquire landed property, lost their influence; and our liberties have been preserved to this day.

The severity of this statute was felt in its operation by Papists of the last century; and government has experienced the policy of it, from its effects, in this. Papists, incapacitated to purchase lands, were necessitated to lay out their monies in the funds, to contribute to the support of the state; and the Papists, in our day, have scarcely felt any inconvenience therefrom; having been habituated, for so many

years, to acquire a monied interest, in lieu of landed property. But this barrier is now removed; these clauses are all repealed; and Papists are enabled to purchase what they can, and capacitated to inherit all they purchase.

If we attend to the form of the oath to be now taken by the Papists in the last Act of Parliament, we shall perceive a very striking variation between that and the oath of Supremacy of Geo. 1st. stat. 2. c. 13; by that, every Protestant, and all other persons are required, on their oath, to declare, that no foreign prince, person, prelate, state, or potentate *hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, "ecclesiastical or spiritual,"* within these realms. But in the last statute, to accommodate the Papists, and to avoid encroaching on their obedience and submission to their Spiritual Father, the words, "*ecclesiastical or spiritual,*" are omitted, and the words, "*temporal or civil,*" substituted; by which it is plainly declared, that the Legislature, conscious of the jurisdiction of the pope over every Papist within this realm, and that the Papists, as such, could never conscientiously abjure the same; have *designedly* changed those material words, and thereby recognized, within these realms, *the ecclesiastical and spiritual jurisdiction of the pope, and all that are in authority under him.*

And

And notwithstanding the oath is guarded,<sup>1</sup> as much as it is possible for any form of words to guard against mental reservations and jesuitical evasions; yet, it is evident, that, as the Papists hold the principles ascribed to them in the oath, (and if not, why ascribe them?) they may, with the greatest deliberation, commit perjury; and, without inconsistency, abjure their faith, since their conduct would be held meritorious in a Romish consistory; and they would be intitled, not only to dispensations, but to commendations, for so doing.

But supposing, which cannot be admitted, that Papists take the oath in sincerity, and swear without any mental reservation; how few, in proportion to the number of the Papists, will be under the necessity of appearing to take the oath? bishops, priests, jesuits, schoolmasters, and those who are desirous to capacitate themselves to purchase or inherit estates, must submit to the terms prescribed; but how few are they, when compared with the bulk of the Papists in this nation? and it is unreasonable to suppose that any amongst them will take this oath, except with views to their security or interest.

Considering the inattentive manner in which oaths of this nature are administered in our public courts, it will be a fortunate circumstance for

the more scrupulous amongst the Papists, who, taking the advantage of the hurry and confusion which generally attends this kind of business, may repeat after the officer as much as they please, and omit the rest ; and yet, upon taking *such* an oath, in *such* a manner, Papists are to be intitled to relief under that Act of Parliament.

Is it not evident from the foregoing observations, that all the laws against Popery are virtually, and the most essential and important, actually repealed ? and that, though the late statute be not entitled, *An Act for the toleration of Popery* within his Majesty's dominions ; yet Papists, conforming to the terms thereof, have a right to expect *at least* a connivance on the part of the Legislature, which will be equivalent thereto in every respect.

A learned commentator on the laws of England, has observed, that “ if a time should ever arrive, when all fears of a pretender shall have vanished, and the power and influence of the pope shall become feeble, ridiculous, and despicable, not only in England, but in every kingdom of Europe ; it probably would not then be amiss, to review and soften these rigorous edicts ; at least, till the *civil principles* of the Roman Catholics called *again* upon the legislature to renew them.” But there is no reason

son to conclude that this is the time: the influence of the pope is not yet become ridiculous and despicable in foreign countries; and Papists in England pay the most implicit obedience to every mandate of the Roman see.

But if such a period should arrive, might not a line be drawn between *softening* and *repealing*? It would be a dangerous experiment to wait till the civil principles of Papists again exposed them to the displeasure of the law. We have reason to believe that, whatever their civil principles might be, their conduct would involve them in secrecy; nor would they venture to strike a blow, that might discover them, till they had undermined our constitution and effected our destruction; and then it would be too late for the wisdom of the Legislature to interfere.

Therefore, from all these considerations, may we not conclude, that the late indulgence is impolitic and inexpedient; and that this is not the time to repeal the statutes against Popery?

## SECTION IV.

*Observations on the manner, in which the late Act was obtained; on the principal Arguments in its Favour; and on the fatal Consequences, which will most probably result from it.*

WHEN we consider how far the whole system of the law against Popery is affected by the late Act of Parliament, it is reasonable to suppose, that an Act of such national importance would have been introduced in the most public manner. Ought not an alarm to have been sounded throughout the kingdom, that the sense of the people might have been known, before laws, in which they were so essentially concerned, were so materially altered; and before the structure, which the wisdom of our ancestors was so many years employed in raising against the dangerous encroachments of Popery, was to be demolished at one blow.

Instead of which, without any previous notice, the Act was introduced, in the most private manner—at the end of a session—to a thin house: many of the members having retired to their country seats; it being understood that the principal business was finished, and that no new matter of an interesting nature, would be taken up at that advanced season of the year. Those who were zealous for its success, might be conscious, that

if

if there had been time for reflecting on the Act and its consequences, it never would have passed: it was, therefore, hurried through the house, without a review of the statutes, as they then stood; or a mature consideration, how far they would be altered by the passing of this Popish Bill.

The situation of those at the helm was delicate: it was dangerous, at such a crisis, to provoke the resentment of a numerous body of Papists, by opposing the bill; they were ignorant of the sentiments of the people; and, being thus surprised, thought it politic to acquiesce. The bishops had not time sufficiently to deliberate on it; and were tender of appearing enemies to Toleration. Thus the mischief was done, before the design was made known; and, consequently, before it could be prevented.

There *has been* a time, when the spirit of the people would, and justly too, have been *roused* at such surreptitious conduct; but, alas, for the welfare of these realms! a spirit of supineness and indifference, as to the interests of religion and liberty, strangely pervades the kingdom; and the zeal of our ancestors, either for the Protestant cause, or for our glorious Constitution, is no where to be found\*.

But

\* In a tract published in 1753, printed for Dodley, in Pall-Mall, intitled, " A brief Account of the Vandois, his

But this Act had a different fate in Scotland : it was not passed in that session ; therefore the people had full time to foresee its fatal effects, and to prevent their taking place. And though we cannot approve the conduct of the mobs at Edinburgh and Glasgow ; yet the spirited and successful opposition in Scotland to the Popish bill, will, for ever, endear those who were concerned in it, to every true Protestant.

The principal arguments in favour of the Bill, are the following,—that Papists are become good subjects, and therefore ought no longer to be exposed to the penalties of such severe statutes ;—that, in the present situation of affairs, the late repealing Act was necessary, to conciliate their affection to government—and that no bad consequences can result therefrom, as Popery is not now of an intolerant and persecuting spirit.

“ Sardinian Majesty’s Protestant Subjects in the vallies of Pi-  
 “ edmont, &c.” there is a remarkable instance of the zeal of  
 Englishmen for the Protestant religion. When these inof-  
 fensive people were persecuted and impoverished by Popish  
 cruelty, “ the Dutch, the Swiss, and the Germans (faith  
 “ the author) had relieved the Vandois by benefactions : but  
 “ perhaps there is no instance in history of any nation inter-  
 “ posing so warmly for another, as the English did, at this  
 “ time, for a poor people, removed from them at an im-  
 “ mense distance ; in an inland country, and connected by  
 “ no reasons of policy or interest.” And we are informed in  
 the margin, that the collections in England amounted to  
 38097l. 7s. 3d. a noble instance of laudable zeal, worthy  
 of imitation in the present day !

If the Papists were rendered firm in their allegiance, by the operation of the wise enactments, which are now repealed; why were they repealed? We have lately had little opportunity of proving their sincerity: for the enemies of the Protestant succession were so effectually crushed during the rebellions in 1715 and 1745; that, whatever their inclinations might have been, they could have no prospect of success, in any plots, without imminent danger to themselves.

Whatever the exigencies of government might require; that a *Protestant state* should be indebted to the *arms of Papists* for its support, is a circumstance truly alarming, and worthy the most serious consideration of every Briton.

In the beginning of the late war, our affairs assumed a gloomy aspect: but did we arm the Papists for our defence? Were we indebted to them for the glorious victories of 1759? Was it not the wisdom of our ancestors, to distrust the professions, and disarm the professors of Popery? And should we put swords into the hands of Papists, God only knows how soon they might be turned against our own lives, and be employed in subverting our most valuable interests.

As to the persecuting spirit of Popery; it is to this day, and ever will be, the same: it cannot be otherwise, whilst they maintain its two fundamental

\* See Bishop Usher's *Protestation against Popery.*

damental tenets, PAPAL SUPREMACY and INFALLIBILITY: the apparent difference must be ascribed to their want of power \*.

By rejecting their idolatrous superstition and vain traditions, we are become heretics and schismatics, in the judgment of the see of Rome: and doth not the pope yearly excommunicate us as such, denounce the most awful curses against us, and declare our destruction to be a meritorious work? That all this is not mere form and ceremony, but a direction zealously pursued, whenever it is practicable; is evident from the bloody inquisition, and the conduct of Papists in all kingdoms, where Popery is unrestrained by law †.

Popery

\* "Can it be worth while (says the learned and ingenious Bishop Hurd) to spend words in fixing this charge of intolerance on the church of Rome, when her ablest advocates, even in our days, openly triumph in it." For proof of this, he refers to *Mr. Crevier's history de l' Université de Paris* tom. iii. l. vi. page 435. *Paris, 1761.* Where that eminent writer very soundly defends the *murder* of the Bohemian Martyrs at Constance, and the *fraud and ill faith*, through which the *pious and tender hearted fathers* of that council rushed to the perpetration of it. See *Introduction to the Study of the Prophecies*, 2d. edit. p. 382.

† The following extracts, from the form of Excommunication pronounced at *Rome* on *Maunday-Thursday*, demonstrate the *benign* spirit by which the Papists are actuated towards those whom they deem heretics,

The

Popery has long been chained in Britain: the consequences of unchaining it will be dreadful  
to

The Title runs thus: “*The Excommunication and Anathematization of all Hereticks whatsoever, and their favourers, and Schismaticks, or of those who violate the Ecclesiastical Liberty, or any ways infringe the contents of this Bull, which is wont to be published on Maunday-Thurday.*

“**SECT. 1.** We excommunicate and anathematize in the name of God Almighty, Father, Son and Holy Ghost, and by the authority of the blessed apostles Peter and Paul, and by our own, all Hussites, Wickliphists, Lutherans, Zuinglians, Calvinists, Hugonots, Anabaptists, Trinitarians, and Apostates from the Christian faith, and all other hereticks by whatsoever name they are called, and of whatsoever sect they be: as also their adherents, receivers, favourers, and generally any defenders of them; together with all who without our authority, or that of the apostolick see, knowingly read, keep, print, or any ways for any cause whatsoever publickly or privately on any pretext or colour, defend their books containing heresy, or treating of religion; as also schismaticks, and those who withdraw themselves, or recede obstinately from the obedience of us, or the bishop of *Rome* for the time being.”

“**SECT. 2.** Further, we excommunicate and anathematize all and singular, of whatsoever station, degree or condition they be; and interdict all universities, colleges and chapters, by whatsoever name they are called; who appeal from the orders or decrees of us, or the popes of *Rome* for the time being to a future general council; and those by whose aid and favour the appeal was made.”

“**SECT. 16.** Also those who upon this account directly or indirectly hinder archbishops, bishops, and other superior and inferior prelates, and all other ordinary ecclesiastical judges whatsoever by any means, either by imprisoning or molesting

to posterity, as the principles of Popery are still the same. Popes and general councils are still infallible :

lesting their agents, proctors, domesticks, kindred on both sides, or by any other way from exerting their ecclesiastical jurisdiction against any persons whatsoever, according as the canons and sacred ecclesiastical constitutions and decrees of general councils, and especially that of *Trent*, do appoint; as also those who after the sentence and decrees of the ordinaries themselves, or of those delegated by them, or by any other means eluding the judgment of the ecclesiastical court, have recourse to chanceries or other secular courts, and procure thence prohibitions and even penal mandates to be decreed against the said ordinaries and delegates and executed against them; also those who make and execute these decrees, or who give aid, counsel, countenance or favour to them."

"**SECT. 19.** Further, we excommunicate and anathematize all and every magistrates and judges, notaries, scribes, executors, sub-executors, any ways intruding themselves in capital or criminal causes against ecclesiastical persons by processing, banishing, or apprehending them, or pronouncing or executing any sentences against them, without the special, particular and express license of this holy apostolical See; also those who extend such licences to persons or cases not expressed, or any other way unjustly abuse them; although the offenders should be counsellors, senators, presidents, chancellors, vice-chancellors, or intitled by any other name."

"**SECT. 22.** In fine, none may be absolved from the aforesaid censures by any other than by the pope of *Rome*, unless he be at the point of death, nor even then, unless he giveth caution to stand to the commands of the church, and give satisfaction"

"**SECT. 30.** Let no man therefore infringe, or boldly and rashly oppose this our letter of excommunication, anathematization,

infallible: it is impossible for infallibility to err; and, therefore, whilst Popery has any existence, it

tization, interdict, innovation, innodation, declaration, protestation, abolition, revocation, commission, command and pleasure: but if any one shall presume to attempt it; let him know that he shall incur the displeasure of Almighty God, and of his blessed apostles *Peter and Paul.*"

Given at *Rome* from *St. Peter*, in the year of our Lord's incarnation, 1610, the 8th of *April*, in the fifth year of our popedom.

James Brambilla. *Mag. Curs.*

In the Year 1765.

A genuine copy of a Popish excommunication, found amongst the papers of *Philip Dunn*, deceas'd, a Popish bishop, at his house in the county of *Wicklow*, pronounced by him against *Francis Freeman*, one of his parishioners, who at that time embraced the Protestant religion. Faithfully translated from the Latin original, by Dr. *Tooker*.

" By authority of God the Father Almighty, and the blessed virgin *Mary*; and of *St. Peter* and *St. Paul*, and all the holy saints, We excommunicate *Francis Freeman*, late of the county of *Dublin*, but now of *Juck-mill*, in the county of *Wicklow*, that in spite of God and *St. Peter*, and in spite of all the holy saints, and in spite of our most holy father the pope, (God's vicar on earth) and in spite of our right reverend father in God, *Philip Dunn*, our diocesan, and worshipful canons, who serve God daily: hath apostatized to a most damnable religion, full of heresy and blasphemy; excommunicated let him be, and delivered over to the devil, as a perpetual malefactor, and schismatick, accursed let him be in all cities, and in all towns, in fields, in ways, in yards, in houses, and in all other places,

*it must necessarily be in future, what it hath been in times past.*

Perhaps we may be told, that Popery is not tolerated: but where shall we draw the line between Toleration, and a repeal of every legal restriction; a removal of every discouragement to the growth of Popery?

In the preceding section, we have endeavoured to demonstrate, that, by the late Act, all the laws against Popery are virtually, and the most essential, actually repealed; and, that the Pa-

places, whether lying or rising, walking or running, leaning or standing, waking or sleeping, eating or drinking, or whatsoever thing he does: besides we separate him from the threshold and all good prayers of the church; from the participation of the holy Jesus; from all sacraments, chapels, and altars; from the holy bread and holy water, from all the merit of God's holy priests and religious men, and from their cloisters and all pardons, privileges, grants and immunities, which all the holy popes have granted them; and we give him over utterly to the fiend; and let him quench his soul when dead in the pains of hell-fire, as this candle is quenched and put out. And let us pray to God, our lady, St. *Peter* and St. *Paul*, that all the senses of his body may fail as now the light of this candle is gone; except he come on sight hereof, and openly confess his damnable heresy and blasphemy, and by repentance make amends as much as in him lies to God, our lady, St. *Peter*, and the worshipful company of this church; and as the staff of this holy cross now falls down, so may he, except he recants and repents."

Signed " Philip Dunn."

philip

pists construe it as a virtual repeal of all the Penal statutes, is evidenced by their present conduct. They are building, purchasing, and hiring buildings for mass houses: they are setting up schools and seminaries of learning, in different parts of this metropolis and kingdom. They presume on the lenity of government; and use various artifices to ensnare the children of the poor, and to pervert the ignorant to their destructive errors: they even insult Protestant ministers in the discharge of their duty.

Did they not understand that the laws against buying and selling Popish books were repealed, they would not have dared to publish an abstract of the *Douay Catechism*: formerly they were cautious, even in bringing books into the realm, though printed abroad; or if they ventured to print, yet never to put the place where they were printed, or advertise them for sale; but circulated them, in a private manner: whereas, since the passing of the late Act of Parliament, they advertise their books and pamphlets in the public papers; and the publisher of the abstract of the *Douay Catechism*, printed in 1779, has not only put his name and place of abode on the title page; but has told us, in capitals, that it is WITH PERMISSION.

Let us now attend to the fatal consequences that will probably result from this repealing sta-

tute; and they appear truly alarming. The chief discouragements to Popery are removed, and the Protestant child of a Papist is now in no better a situation, than his Popish progeny. Jesuits and Popish priests will now take encouragement to resort hither, and compass sea and land, to make proselytes: and Popish teachers will be equally assiduous in seducing the children of the poor. Books will be published, catechisms dispersed, and no pains spared to captivate the unwary.

But let us look forward to posterity, and the consequences appear yet more fatal. *Policy will teach the Papists to be cautious at present, lest they should alarm the Legislature.* They are, therefore, now working by their emissaries, in a secret manner; but the evils will be seen and felt hereafter.

By educating our children, they are sapping and undermining the very foundation of our constitution, in church and state. The Papists, restrained from purchasing, have, for many years, been accumulating money: they may now expend it to advantage. It is a melancholy consideration, that lands are not worth, at this time, so much as they were, by several years purchase. This is owing to the scarcity of specie; but there is not such a scarcity with the Papists. The necessity of the times will compel many to part with their

their estates ; and Papists have an opportunity of purchasing for less than their value, and thereby of getting great part of the landed property of the kingdom into their own hands. Being enabled to purchase, and capacitated to inherit, they will acquire an increase of power, as their landed property increases ; and, by their landed property, will certainly, in a future period, *influence our elections in Parliament.*

By an influence in parliamentary elections, a future Parliament may be found endued with such a liberal spirit of Toleration, as to remove the Test Act ; to qualify them for offices of magistracy, and give them an opportunity of sitting in both Houses of Parliament ; or Papists (as they can have dispensations for oaths) may think it a duty they owe to the church of Rome, and by jesuitical sophistry be taught, that it is no sin to put on the profession of Protestantism \* for a season

\* That his holiness of Rome authorises such conduct, is evident from the case of *Parsons*. This jesuit was appointed superior in a mission to England, in order to promote Popery in this kingdom. But he and his colleagues could not safely come into these realms, because *Pius V.* had not only absolved the subjects of queen *Elizabeth* from their oath of allegiance, but pronounced an anathema against all those who should obey her. However, *Gregory XIII.* removed this hinderance, for he gave them a faculty, dispensing with their obedience to the queen, notwithstanding the bull of his predecessor

season, to obtain laws in Parliament, that they may serve the interests of Popery.

Should such a period arrive, and unless wise and timely measures are taken to prevent it, most assuredly it will, where then will be the safety of the Protestant succession in the illustrious house of Hanover? and what security will our posterity have for the preservation of their civil and religious liberties?

Nor are these fatal events improbable; perhaps not very remote!—If Papists have power, it must be used to spread and exalt Popery throughout the land: and should such a period arrive, Papists will then once more have the sword of magistracy in their hands; England will again be deluged with the blood of martyrs, our liberties be exchanged for bondage; and the Protestant religion be removed, to make room for Popish superstition.

The last observation that we shall make on the consequences resulting from the late Act, seems to us of the utmost importance, and demands the most serious attention.

In that Act of Parliament, the oaths of Allegiance and Supremacy, and the oath of Abjuration, are comprehended in one form; and, to ac-

cessor. Thus Papists of the worst sort appeared Protestant subjects, and this by papal authority.

Biograph. Diction. Life of Parsons.

commodate the Papists, as was mentioned in the preceding section, the words, “*ecclesiastical* or *spiritual*,” are omitted, and the words, “*temporal* or *civil*,” inserted in their stead. No Papist could conscientiously have sworn, that the pope and bishops appointed by him, had no *ecclesiastical* or *spiritual* authority or pre-eminence; when every Papist, as such, necessarily owes implicit obedience, in spiritual matters, to the pope of Rome. The words *ecclesiastical* or *spiritual*, are, therefore, omitted; and the words *temporal* or *civil*, substituted; and, by this very material alteration in the form of the oath, the *spiritual* and *ecclesiastical* jurisdiction of the pope and Popish prelates (for there are titular bishops already appointed over every see throughout the kingdom) is tacitly acknowledged, and virtually recognized, by the Legislature.

But, by the acknowledgment of this foreign jurisdiction within these realms, the *king's Supremacy, in spiritual matters*, is given up, at least in part, to the bishop of Rome; by which means the constitution is violated, and perjury is imposed on every Protestant, who, to qualify himself for any office in church or state, is necessitated to take the oath of Supremacy appointed by the stat. of Geo. I. and which every Protestant to whom it is tendered, is bound to take at his peril. Alarming consideration indeed!

By this, every Protestant is required on his oath to declare, " That no foreign prince, Person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, *ecclesiastical or spiritual*, within these realms ;" though he knows that the pope, a foreign prince, and the prelates appointed by him, claim *ecclesiastical* and spiritual jurisdiction, power, superiority, pre-eminence, and authority ; and that the same is now publicly recognized by an Act of the Legislature : and that the last oath of Supremacy, appointed to be taken by the Papists, is framed in conformity thereto.

Some indeed may object, Did not the pope heretofore claim this jurisdiction, and Papists acknowledge it ; and were not Protestants under the same difficulty formerly, with respect to the oath of supremacy, as they are now ? Certainly not : the pope might then command, and Papists obey ; but neither the one nor the other established his *spiritual* jurisdiction, whilst the laws refused to admit it ; and declared on the very face of the oath, that no foreign prince or prelate *hath, or ought to have*, any such authority within these realms.

But now, whilst the *temporal and civil jurisdiction* of the pope is excluded, his *ecclesiastical and spiritual authority* is, by omitting the words, *ecclesiastical and spiritual*, in the form of the oath, tacitly assented to : nor will a conscientious Protestant

testant be satisfied with being told, that he may safely take the oath of supremacy, notwithstanding the alteration in the Popish oath; as he knows that no foreign state, potentate, or prelate, *ought to have* any jurisdiction within these realms: he is to swear that they *have not*, as well as that *they ought not to have* any such authority: which, before the recognition thereof by the late Act of Parliament, he might do, without wounding his conscience.

It is in vain to tell us, that the pope *ought to have* no power, we see it is now acknowledged that he *hath*; and, therefore, can never take the oath of Supremacy, without involving ourselves in the guilt of perjury: unless the laws, in that respect, are put on their former footing.

Are these the consequences of this Act; and shall we be indifferent? Have we no regard for our welfare, and for the dearest interests of posterity? Shall we perjure and ruin ourselves without making one generous effort?—Heaven forbid! Let us be roused to a consideration of our state: let us apply to government to obtain redress. We have reason to hope they would attend to our application, and remedy the evils apprehended from that improvident Act. But if they refuse, we shall have nothing to reproach ourselves with: we shall have discharged our duty; and, armed with conscious integrity, be prepared for every event.

C O N.

## C O N C L U S I O N.

*The absolute necessity of an application to Parliament for redress; and the constitutional mode of obtaining it.*

**U**PON a review of the foregoing observations on the tendency and operation of the late Act of Parliament, is it not evident, that it is tantamount to a Toleration of Popery; a virtual repeal, and an actual suspension, of all the Penal laws against the Papists; and that it will be productive of the most fatal consequences?

The present state of Popery is truly alarming, and calls for immediate and spirited exertions, to prevent its further progress in this nation. To be indifferent or silent, at such a crisis, when all that is dear to us as men and christians, is at stake; would be ungrateful to the memory of our ancestors, injurious to ourselves, and unjust to generations yet unborn.

Though it be the desire of every true friend to civil and religious liberty, that Toleration should be built on the broadest basis; yet, to tolerate Popery, is to encourage what by Toleration itself we mean to destroy, a spirit of persecution and bigotry of the most notorious kind.

Papists

Papists own a foreign head as supreme, who can dispense with the *most sacred oaths*: and, therefore, no confidence can be put in their most solemn protestations. They have filled our land with blood, and alarmed us with massacres, rebellion, and treason: and shall we, out of love to Popery, endanger the peace of government and the safety of the state? What meritorious actions of the Papists entitle them to such favour at our hands.

The people of Great Britain have lately had striking proofs of the *sincerity of Popish assurances*, from the *infidious conduct* of our Roman Catholic neighbours. FRANCE not only publicly protested against the conduct of our American colonies, but proceeded so far in her *plan of duplicity*, as to order the *American privateers* to leave her ports; and SPAIN gave us to understand, that she was too much interested for her own colonies, to encourage such an example of disobedience to the mother country.

Our Ministry, satisfied with these *delusive assurances*, trusted to the *amity* of France and Spain, and rested in security: they knew that TREACHERY was no part of the system of BRITISH POLITICS; and expected *that sincerity* from the house of Bourbon, which characterises our conduct, and which is the glory of this nation.

What

What was the consequence? at the very time when Papists were receiving favours from this government, our *professing friends* laid aside the masque, and appeared in the blackest colours of *baseness* and *perfidy*. Forgetting their public disavowals of the American cause, and their solemn protestations to the British ministry; their *most Christian and Catholic Majesties*, without the least provocation, contrary to the faith of treaties, and to the law of nations, united for our destruction.

And shall we, after such insidious conduct from Roman Catholic nations, trust to the *temporizing assurances* of Papists, and put weapons into their hands, to be turned against ourselves?—Is this a time to look to them for support?—Rather, let us unite for the defence of our country, and the Protestant interest, against all foreign and internal enemies: let us, as a nation, acknowledge God, and depend upon his Providence for success: and we need not fear the united efforts of our *perjured and inveterate foes*.

Having pointed out the fatal consequences of the late Act of Parliament; to remedy the evils, let the Protestants, throughout the kingdom, associate as one man, and apply to government for redress: and thus shew, that the sense of the people at large is not to favour Popery: and that,

that, whilst they are supported by *British Protestants*, they have nothing to fear from *Papists aduersaries*.

Something is necessary to be done, to assure the nation in general, and Papists in particular, that it is not the intention of the Legislature, to encourage the growth of Popery. Papists are insolent and presuming; and nothing but a law to repeal or qualify the late Act, can keep them within the bounds of allegiance and decency.

Such an Act is absolutely necessary to satisfy the minds of all true Protestants; to relieve us from the imposition of perjury, occasioned by the late alteration of the oath of supremacy in favour of the Papists; to save the constitution from being violated; to preserve the Protestant interest in this kingdom from that imminent danger, with which it is threatened; and to secure the Protestant succession in the family of His present Majesty.

Our constitution hath marked out the mode of obtaining redress; and declares, that it is the right of the subject to petition. Let petitions be circulated throughout the kingdom: let the clergy of the establishment and Protestant ministers of every denomination, and all who are zealous for the welfare and safety of the Protestant religion, cordially unite, and strenuously exert themselves on this important occasion.

Let

Let petitions against the Popish Bill be sent to Parliament, with numerous signatures from every county, city, and corporation, and from other respectable bodies of people. Let our representatives be instructed by their constituents, to support these petitions in the house; and, as the eve of a general election is approaching, we have reason to hope, that these instructions will be attended to. Should they be neglected, we soon shall have an opportunity in our hands, of electing members more attentive to the voice of the people, and the preservation of the Protestant interest.

If such measures be adopted by Protestants with unanimity, and prosecuted with spirit, government may then with safety relieve us from our fears, by repealing the late Act; and have nothing to dread from the resentment of the Papists.

But, should it be objected, that, as the Act is passed, it would now be dangerous to repeal it: let us at least apply for a restraining Act, to qualify, amend, and explain the Popish bill.

An Act, to declare, that the former Penal Statutes are in full force, and that persons shall be duly encouraged in putting them into execution, to prevent the further growth of Popery.

An Act, to amend the form of the oath in that passed for the relief of the Papists, that Protestants,

stants, who are required to take the oath of Sua-  
premacy, may not be necessitated to incur the  
guilt of wilful perjury.

An Act, to prevent the Papists (if they must be  
permitted to acquire landed property) from inter-  
esting themselves, directly or indirectly, in any  
election for members of Parliament, on pain of  
forfeiture of their estates.

An Act, to prevent jesuits from resorting hi-  
ther under heavy penalties, and to prohibit the  
attempts of Papists to pervert Protestants to  
their erroneous tenets, on pain of exemplary  
punishment.

And lastly, (if Papists must be permitted to  
teach those of their own principles in private) an  
Act, to restrain them from keeping public schools,  
and teaching the children of Protestant parents,  
on pain of perpetual imprisonment or banish-  
ment.

As to declaring the former laws against the  
Papists yet in force; if the late Act were de-  
signed only to repeal detached parts of a single  
statute, and the former laws are not understood  
to be affected thereby; it will be an Act of  
kindness to the Papists, to put them on their  
guard, by such a declaration; or, otherwise,  
their zeal to proselyte may expose them to dis-  
agreeable consequences.

It is not meant that these statutes should be  
executed

executed with severity. Whilst Papists continue peaceable, and do not attempt to diffuse their pernicious principles, what will they have to apprehend from that spirit of lenity, with which these statutes have ever been enforced?

We presume that it would be better if the late Act of Parliament were totally repealed, and the laws against the Papists placed upon their former footing. But if that cannot be obtained, a qualifying Act, with some such restrictions as those abovementioned, seems absolutely necessary. Thus the Papists would be curbed, but not crushed ; they would not be persecuted, nor could they persecute ; the *grand objects* of this ASSOCIATION would be obtained ; the Protestant religion would be preserved ; the British constitution secured ; and the Hanoverian succession established upon the firmest basis.

